

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 09-3542

Ruby Sue Browder,

Appellant,

v.

The CBE Group Inc. Litigation Center;
Kevin D. Ahrenholz; Aetna
Incorporated,

Appellees.

*
*
*
*
*
*
*
*
*
*

Appeal from the United States
District Court for the
Southern District of Iowa.

[UNPUBLISHED]

Submitted: June 2, 2010
Filed: June 7, 2010

Before LOKEN, BYE, and SHEPHERD, Circuit Judges.

PER CURIAM.

Ruby Browder appeals the district court's¹ adverse grant of summary judgment and dismissal for failure to state a claim in her action under the Employee Retirement Income Security Act (ERISA), the United States Constitution, and state law.

¹The HONORABLE JAMES E. GRITZNER, United States District Judge for the Southern District of Iowa, adopting the report and recommendations of the HONORABLE ROSS A. WALTERS, United States Magistrate Judge for the Southern District of Iowa.

Browder's complaint alleged that Aetna Incorporated (Aetna), the underwriter of Browder's employer health insurance plan, wrongfully failed to provide coverage for medical bills she incurred at an Iowa hospital, and that the CBE Group (CBE), a collection agency assigned to Browder's hospital account, and its attorney Kevin Ahrenholz, used false documents to obtain a small claims judgment against her. The district court granted summary judgment for Aetna on res judicata grounds. The district court then dismissed the claims against CBE and Ahrenholz because they are not subject to liability under ERISA, and because Browder failed to plead any constitutional claims against them. Having dismissed any federal claims, the district court declined to exercise supplemental jurisdiction over state law claims.

Following careful de novo of the record, see Irving v. Dormire, 586 F.3d 645, 647 (8th Cir. 2009) (summary judgment); Owen v. General Motors Corp., 533 F.3d 913, 918 (8th Cir. 2008) (dismissal), the judgment of the district court is affirmed for the reasons stated in the district court opinions. See 8th Cir. R. 47B.
